



STATE OF ALABAMA
DEPARTMENT OF CORRECTIONS
NOVEMBER 16, 1987

ADMINISTRATIVE REGULATION
NUMBER 407

OPR: Programs

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Marriage of Inmate Personnel

I. GENERAL

This regulation provides information and policy guidance governing marriage of inmates while incarcerated in Alabama Department of Corrections institutions. Restrictions imposed herein are not intended to prevent marriage but rather to protect both the inmate applicant and spouse from possible disastrous effects of an impetuous marriage entered into without appreciation of its implications and obligations.

II. POLICY

A. It is the policy of the Alabama Department of Corrections to:

1. allow eligible inmates to marry, except where such a marriage presents an obvious threat to security, good order, public safety, or health;
2. encourage inmate applicants to seek premarital advice and counsel of an institutional chaplain before making final plans for marriage;
3. where either party was previously married, and a divorce, or an annulment was involved, the party involved shall furnish legal documentation that he/she is legally free to marry.

B. The Institution Head must give initial approval or disapproval of the marriage (see Section V, para. F. concerning disapprovals by the Institution Head).

III. ELIGIBILITY TO MARRY

An inmate's request to marry shall be approved provided:

- A. The inmate is legally eligible to marry.

- B. The inmate is mentally competent.
- C. The intended spouse has verified, ordinarily in writing, an intention to marry the inmate; and
- D. The marriage poses no threat as indicated in Section II, para. A.1. above.

IV. APPLICATION FOR AUTHORIZATION TO MARRY

- A. The following documents are necessary to support an application (marriage request):
 - 1. a statement by each party of legal freedom to marry (evidence of termination of each previous marriage, if any, of the applicant and/or intended spouse, such as a certified true copy of final divorce decree, marriage annulment document, or death certificate of a former spouse).
 - 2. certificate of completion of marriage counseling (or evidence of declining counseling).
 - 3. a report of medical examination for the inmate signed by a physician representing the Department of Corrections. For spouses, a medical report signed by a legally licensed physician.

V. PROCEDURE

- A. Requests to marry may be submitted by the inmate to the chaplain with the intended spouse's data on Forms 001 and 002. (Annexes A and B respectively) Where these forms are not available, letters may be used instead of forms.
- B. Each applicant inmate/spouse seeking a marriage license shall file with the appropriate county judge of probate (through the Chaplain) a certificate from a legally licensed physician, identified in Section IV, para. A.3. above, setting forth that the applicant has been examined for and does not have a sexually transmittable disease.
- C. All expenses of the marriage (for example, a marriage license) shall be paid by the inmate, the inmate's intended spouse, the inmate's family or other designated source if approved by the warden. The warden may not permit appropriated funds to be used for an inmate marriage.
- D. The warden will notify Public Information, Regional Coordinator and Associate Commissioner for Institutions, of the proposed marriage of an inmate whose marriage might attract national attention, or significant local or regional attention.

- E. The Chaplain, or Institution Head, will ensure that all documentation is complete/prepared for approval/disapproval. (See Section IV above).
- F. When the Institution Head disapproves the marriage, he/she will forward a letter to include a statement of reason(s) for that action (thru the Regional Coordinator and Associate Commissioner Institutions) to the Commissioner for his review/concurrence. The Commissioner's decision will be final!
- G. When an inmate's request to be married is approved by Institution Head, the Chaplain will perform the ceremony, or arrange for it to be performed by another authorized person. In the institutions where there is no Chaplain, the Institution Head will arrange for the ceremony to be performed by an authorized person.
- H. The Institution Head, or his/her designee, will ensure that an official record of the marriage is:
 - 1. placed in the inmate's institutional file (and a copy forwarded to Central Records and the Board of Pardons and Parole).
 - 2. made with the proper local civil authority immediately after marriage has been accomplished.

VI. MISCELLANEOUS

- A. Inmate marriage ceremonies shall be held in the institution's chapel or in another designated area approved by the warden and the Chaplain. (Annex C)
- B. FREE WORLD GUESTS: Inmate marriages may be attended by as many as eight (8) guests. (This does not include the bride or groom.)

Note that free-world guests, the bride and minister must wear clothing meeting the dress code for visits. There are no provisions for the bride or others to change clothing in the prison.

One inmate (other than the groom) may also be permitted to attend the marriage ceremony.

The groom will be attired in prescribed institutional clothing approved for visits.

- C. A camera may be brought into the institution. It will be unloaded upon arrival (and inspected by the correctional staff). All pictures will be taken at the ceremony site and the Chaplain will be responsible for monitoring pictures being taken.

- D. Refreshments permitted into the institution for the ceremony will consist of following:
A cake, two-layers high, 3"x8"; plastic spoons or forks; plastic cake cutter; napkins; and paper plates. (Appropriate security measures will be taken to request/receive, inspect, cut and serve the cake).

VII. REFERENCES

- A. 28 Code of Federal Regulations (CFR) §551.10 (1986).
B. Legislature of Alabama Act 87-338.

VIII. SUPERSESSION: This regulation supersedes Administrative Regulation 407, dated December 20, 1985.

Morris L. Thigpen, Commissioner

ANNEXES

1. Department of Corrections Marriage Request Form - 001.
2. Department of Corrections Marriage Request Form - 002.
3. Department of Corrections Marriage Ceremony Form - 003.

SUMMARY OF CHANGES

To generally permit marriage by inmates unless the warden finds it presents a threat to security; good order of the institution or to public safety/health. The Departmental procedure is also consistent with both provisions of the Federal Prison System's policy as set forth in 28 CFR § 555.10 (1986), and the Legislature of Alabama Act 87-338.

DOC RECORD COPY

Coordination	Initials	Date
Deputy Commissioner	WJ	11/9/87
Assoc. Comm. Inst.	WJ	11-6-87
Assoc. Comm. Programs	WJ	12/14/87
Assoc. Comm. Admin.	WJ	10/27/87
Legal Counsel	WJ	11-5-87
Public Information	WJ	11/6/87
Central Region Coord*	WJ	10-19-87
Dir., Central Records	WJ	10/21/87
Director, RME	WJ	6 Oct 87

*For all Regional Coordinators

DEPARTMENT OF CORRECTIONS
MARRIAGE REQUEST FORM-001

Date _____

Name: _____ A.I. S. _____ Cell: _____

In compliance with Administrative Regulation 407, I am requesting permission to be married.

Attached are forms completed by the prospective groom and bride, and copies of all divorce decrees (if any); children birth certificates; and or any other necessary documentation that applies to me.

Check appropriate below statements:

_____ I have never been married, either formally or by common law.

_____ I have been married. My last marriage was dissolved by:

_____ Death

_____ Divorce

Are there any children from this present relationship? _____

If so, how many? _____

Names (s) of children: _____

Are you willing to attend open marriage counseling sessions with the Chaplain of this institution? _____

State briefly your reasons why you think that your request for marriage should be granted. _____

Inmate Signature

Witness

(Completed form should be forwarded to the Institutional Chaplain)

DEPARTMENT OF CORRECTIONS
MARRIAGE REQUEST FORM-002

Date _____
Fiancee's Name: _____ Address _____
City _____ State _____ Zip _____

- In compliance with Administrative Regulation 407, I am requesting permission to be married.

Attached are forms completed by the prospective bride, and copies of all divorce decrees (if any); children birth certificates; and or any other necessary documentation that applies to me.

Check appropriate below statements:

_____ I have never been married, either formally or by common law.

_____ I have been married. My last marriage was dissolved by:

_____ Death

_____ Divorce

Are there any children from this present relationship? _____

How many? _____

Names (s) of children: _____

Are you willing to attend open marriage counseling sessions with the Chaplain of this institution? _____

State briefly your reasons why you think that your request for marriage should be granted. _____

Fiancee' Signature

Witness

(Completed form should be forwarded to the Institutional Chaplain)

DEPARTMENT OF CORRECTIONS
MARRIAGE CEREMONY FORM (003)

TO: Inmate _____ AIS _____ CELL _____

The Marriage Ceremony has been approved for: Date _____

Time: _____ A.M./P.M. in the _____

In addition to the inmate groom, the following are permitted to attend the ceremony:

Bride: _____

Guest: _____

Guest: _____

Guest: _____

Guest: _____

Guest: _____

Guest: _____

Guest: _____

Guest: _____

Materials permitted to be brought into the institution:

Marriage license and certificates
Wedding Rings (Groom's and Bride's)
Wedding Cake
Plastic utensils (fork, cake cutter,
Napkins
One Camera (unloaded upon arrival) and film.

Warden's Signature

Date

Institutional Chaplain's Signature

Date